



UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JERROLD HAUCK and DAVID W. LAFOLLETTE

Application 09/059,533

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on March 15, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Upon review of the Examiner's Answer mailed on May 2, 2003 (Paper No. 18), it appears that no appeal conference has been conducted. According to the Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., August 2001), when an appeal conference has been held, the appeal conference participants must identify themselves as the conferees, along with placing their initials

Application No. 09/^{059,533}~~859,984~~

next to their name. This procedure has not been completely followed, thus raising the question of whether or not an appeal conference was held.

Further, the reference listed below as "Prior Art of Record" relied on by the examiner in the Examiner's Answer (Paper No. 18, filed on May 2, 2003) is not in the file:

GB2,266,032A Boal et al. 10-1993

Accordingly, it is

ORDERED that the application is returned to the Examiner for taking corrective action regarding the appeal conference, for proving a complete copy of the reference relied on by the examiner, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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RA04-0452

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